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Government of Kerala
1981

Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVI] Trivandrum, Monday, 2nd February 1981 / 13th Magha 1902 [No. 88

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 8703|LA4A|80. *Dated, Trivandrum, February* 2, 1981.

Under Rule 264 (4) of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly the amendments to the said Rules as recommended by the Rules Committee and as approved by the House are published below.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

AMENDMENTS

Rule 62

Sub-rules (3) and (5) of this Rule have been modified as shown below:

Sub-rule (3)

"(3) Not more than two such matters shall be raised at the same sitting:

Provided that the second matter shall not be raised by the same member who has raised the first matter."

33/391/MC.

Sub-rule (5)

"(5) The proposed matters shall be raised, after the questions and before the list of business is entered upon, when called by the Speaker and at no other time during the sitting of the Assembly."

Rule 124

The proviso to this Rule has been omitted.

Rule 238

The following provisos have been added at the end of this Rule.

"Provided that where the exigencies of a given situation so require and immediate action is called for in the public interest, a rule or rules may be issued in exercise of powers conferred under a statute without placing the said rule or rules in draft form before the Subject Committee:

Provided further that every such rule or rules shall when so issued, be simultaneously transmitted to the appropriate Subject Committee together with an explanation as to the reasons which necessitated the issue thereof without prior scrutiny by the Committee".

FOURTH SCHEDULE

The Fourth Schedule has been recast as shown below:—

"FOURTH SCHEDULE

(*See* Rule 247)

List of Public Undertakings

Sl. No. *Name of concern*

STATUTORY CORPORATIONS, BOARDS, ETC.

1 Kerala Financial Corporation
2 Kerala Khadi and Village Industries Board
3 Kerala State Electricity Board
4 Kerala State Housing Board
5 Kerala State Road Transport Corporation
6 Kerala State Rural Development Board
7 Kerala State Warehousing Corporation.

GOVERNMENT COMPANIES

(a) *Fully owned Government Companies*

8 The Handicrafts Development Corporation of Kerala Limited
9 Kerala Ceramics Limited

10 Kerala Coir Corporation Limited
11 Kerala Electrical and Allied Engineering Company Limited
12 Kerala Fisheries Corporation
13 Kerala Forest Development Corporation
14 Kerala Land Development Corporation Limited
15 Kerala Livestock Development and Milk Marketing Board
16 Kerala Minerals and Metals Limited
17 Kerala Premo Pipe Factory Limited
18 Kerala Soaps and Oils Limited
19 Kerala State Bamboo Corporation Limited (Subsidiary of the Handicrafts Development Corporation of Kerala Limited)
20 Kerala State Cashew Development Corporation Limited
21 Kerala State Civil Supplies Corporation Limited
22 Kerala State Coconut Development Corporation Limited
23 Kerala State Construction Corporation Limited
24 Kerala State Development Corporation for Scheduled Castes and Scheduled Tribes Limited
25 Kerala State Drugs and Pharmaceuticals Limited
26 Kerala State Electronics Development Corporation Limited
27 Kerala State Film Development Corporation Limited
28 Kerala State Financial Enterprises Limited
29 Kerala State Industrial Development Corporation
30 Kerala State Industrial Enterprises Limited
31 Kerala State Small Industries Corporation Limited
32 Kerala State Textile Corporation Limited (Subsidiary of the Kerala State Industrial Development Corporation)
33 Kerala State Tourism Development Corporation
34 The Meat Products of Kerala Limited (Subsidiary of the Kerala Agro-Industries Corporation Limited)
35 The Packaging Paper Corporation Limited (Subsidiary of the Kerala State Industrial Development Corporation Limited)
36 Plantation Corporation of Kerala Limited
37 Sitaram Textiles Limited, Trichur
38 The State Farming Corporation of Kerala Limited
39 Steel Industries Kerala Limited
40 Travancore Plywood Industries Limited
41 Trivandrum Rubber Works Limited
42 Trivandrum Spinning Mills Limited.

(b) *Majority Shareholding Companies*

43 The Chalakudy Potteries Limited
44 Forest Industries (Travancore) Limited
45 Kerala Agro-Industries Corporation Limited
46 Kerala Agro-Machinery Corporation Limited (Subsidiary of the Kerala Agro-Industries Corporation Limited)

47 Kerala Garments Limited (A Subsidiary of the Kerala Handloom Finance and Trading Corporation Limited)
48 Kerala Handloom Finance and Trading Corporation Limited
49 Kerala Inland Navigation Corporation Limited
50 Kerala Shipping Corporation Limited
51 Kerala Urban Development Finance Corporation Limited
52 Kerala Water Transport Corporation (under Liquidation)
53 Pallathara Bricks and Tiles Limited
54 The Pharmaceutical Corporation (Indian Medicines) Kerala Limited
55 Traco Cables Limited
56 Transformers and Electricals (Kerala) Limited
57 Travancore-Cochin Chemicals Limited
58 Travancore Titanium Products Limited
59 United Electrical Industries Limited."

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GOVERNMENT OF KERALA

Development Department Development (G)

NOTIFICATION

No.44862/G4/79/DD. *Dated, Trivandrum, 30th January,* 1981.

The following is the select list, as approved by the Government. of officers of the Community Development Department for promotion to the category of Regional Women's Welfare Officer, as prepared by the Departmental Promotion Committee on 18-9-1980.

Select list for the category of Regional Women's Welfare Officer.

1. Smt. K.M. Sathiabhama
2. Smt. S. Sarala Devi
3. Smt. Susan C. Jacob

J. S. Badhan,
Special Secretary and Convener,
Departmental Promotion Committee,
Development Department.

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3/393/MC

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കേരള സർക്കാർ

കൃഷി (ചെറുകിട ജലസേചനം) വകുപ്പ്

പരസ്യം

നമ്പർ 94003/എം.ഐ.4/80/എ.ഡി.

തിരുവനന്തപുരം, തീയതി, 1981 ജനുവരി 23.

എസ്. ആർ. ഒ. നമ്പർ 137/81.—1956-ലെ തിരുവിതാംകൂർ-കൊച്ചി ജലസേചന ആക്റ്റിലെ (1956-ലെ 7) 13-ാം വകുപ്പുപ്രകാരം പൊതുജനങ്ങളുടെ അറിവിലേക്കായി താഴെ പട്ടികയിൽ വിവരിക്കുന്നതും ഗവൺമെന്റ് നടപ്പിലാക്കാൻ ഉദ്ദേശിക്കുന്നതുമായ ജലസേചന പദ്ധതിമൂലം പ്രയോജനപ്പെടുന്ന സ്ഥലങ്ങളുടെ വിവരങ്ങളും പദ്ധതിച്ചെലവിന്റെ ചുരുങ്ങിയ വിവരണവും കേരളാ ഗവൺമെന്റ് ഇതിനാൽ പ്രസിദ്ധപ്പെടുത്തുന്നു.

പ്രസ്തുത ജലസേചന പദ്ധതി സംബന്ധിച്ച് പ്രവർത്തനം നടത്തുന്നതിനെതിരായി ബന്ധപ്പെട്ട ആർക്കെങ്കിലും എന്തെങ്കിലും ആക്ഷേപമുള്ള പക്ഷം ആയത് 1981 ഫെബ്രുവരി 16-ാം തീയതിക്കകം തൃശ്ശൂർ ജില്ലാ കളക്റ്റർ മുമ്പാകെ രേഖാമൂലം ബോധിപ്പിക്കേണ്ടതാകുന്നു.

പദ്ധതിയുടെ പേര്.—നെരുവശ്ശേരി ലിഫ്റ്റ് ഇറിഗേഷൻ പദ്ധതി.

പദ്ധതിയുടെ മതിപ്പു ചെലവ്.—67,000 ഉറുപ്പിക.

പദ്ധതിമുഖാന്തിരം പ്രയോജനപ്പെടുത്തുന്ന സ്ഥലത്തിന്റെ വിസ്തീർണ്ണം.—34.64 ഏക്കർ/14.0424 ഹെക്ടർ.

പട്ടിക

ജില്ല.—തൃശ്ശൂർ.

താലൂക്ക്.—മുകുന്ദപുരം.

വില്ലേജ്.—ആറാട്ടുപുഴ.

സർവ്വെ നമ്പർ	വിസ്തീർണ്ണം
(1)	(2)
	ഹെക്ടർ ആർ. ച.മീററർ
34/2	1.1048
35/1	0.1781
36/2	0.1942
4	0.1335
5	0.2873
6, 7	0.3399
37/1	0.0243
37/2	0.1296
37/5	0.1983
6	0.2145
7	0.2428
8	0.4654
9, 10	0.3157
38/2	0.0121
4	0.2711
5	0.1093
39	0.4290
40/2	0.2104
41/1	1.0522
44/1	0.2954
45/1	0.6050
4	0.5180
6	0.0506
7	0.2590
8	0.5645
9	0.4310
55/1	0.3521
4	0.1578
5	0.0890
6	0.1942
7	0.4573
8	0.1983
9	0.2954
56/2	0.3278

(1)	(2)
56/3	0.3278
4	0.3480
5	0.1578
69/2	1.0198
70/2	0.1133
71/2	0.6799
4	0.4735
5	0.2145
	14.0424 ഹെക്ടർ

ഗവർണ്ണറുടെ ഉത്തരവിൻ പ്രകാരം,

കെ. വി. വിദ്യാധരൻ,
സ്പെഷ്യൽ സെക്രട്ടറി.

വിശദീകരണക്കുറിപ്പ്

(ഇത് പരസ്യത്തിന്റെ ഭാഗമല്ല. എന്നാൽ പൊതു ഉദ്ദേശം ലക്ഷ്യമാക്കിയിട്ടുള്ളതാണ്).

തൃശ്ശൂർ ജില്ലയിൽ, മുകുന്ദപുരം താലൂക്കിൽ ആറാട്ടുപുഴ വില്ലേജിൽ നെരുവിലശ്ശേരി ലിഫ്റ്റ് ഇറിഗേഷൻ പദ്ധതിക്കായി ഒരു എസ്റ്റിമേറ്റ് തയ്യാറാക്കിയിട്ടുണ്ട്. എന്നാൽ തിരുവിതാംകൂർ—കൊച്ചി ജലസേചന ആക്ടിന്റെ 13-ാം വകുപ്പുപ്രകാരം പ്രസ്തുത ജോലി നടപ്പാക്കുന്നതിനെക്കുറിച്ച് ആക്ഷേപമുള്ളവരെ ഉദ്ദേശിച്ച് ഈ പരസ്യം പുറപ്പെടുവിക്കേണ്ടതായിട്ടുണ്ട്. ഈ ഉദ്ദേശത്തോടുകൂടിയുള്ളതാണ് ഈ പരസ്യം.

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GOVERNMENT OF KERALA

Health (G) Department

NOTIFICATION

No. 1536/G3/81/HD. *Dated, Trivandrum, 31st January,* 1981.

S. R. O. No. 138/81.—In exercise of the powers conferred by sub-section (1) of section 122 of the Travancore-Cochin Public Health Act, 1955 (16 of 1955), the Government of Kerala hereby declare that the area within a radius of one and a half kilometres from the Attukal Temple lying within the Kalady, Kalippankulam, Kamaleswaram, Sreevaraham, Fort, Manacaud, Chalai, Puthencottah, Chenthitta, Nedumcaud and Karamana wards of the Corporation of the City of Trivandrum shall, for the purposes of Chapter XIII of the said Act, be a notified festival centre for a period of ten days commencing from the 11th February, 1981 and ending with the 20th February, 1981 (both days inclusive) in connection with the annual festival at Attukal Temple in Trivandrum District.

By order of the Governor,

K. SREENIVASAN,

Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

The Annual Festival at Attukal Temple is to be celebrated from the 11th February 1981. It is necessary to declare the area surrounding the temple as festival area under the Travancore-Cochin Public Health Act, 1955 for Public Health purpose. The notification is for the above purpose.

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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 575/LA.1/81.

Dated, Trivandrum, 2nd February 1981/
13*th Magha* 1902.

In exercise of the powers conferred by clause (1) of Article 174 of the Constitution of India (as amended) the Governor of the State of Kerala hereby summons the Sixth Kerala Legislative Assembly to meet for its Fifth Session at 5 p.m. on Friday, February 20, 1981 in the Assembly Chamber, Secretariat Buildings, Trivandrum.

(ഭേദപ്പെടുത്തപ്പെട്ട) ഇൻഡ്യൻ ഭരണഘടനയുടെ 174-ാം അനുച്ഛേദം (1)-ാം ഖണ്ഡം നൽകുന്ന അധികാരങ്ങൾ വിനിയോഗിച്ച്, കേരള സംസ്ഥാന ഗവർണർ ആറാമതു കേരള നിയമസഭ അതിന്റെ അഞ്ചാം സമ്മേളനത്തിലേക്കായി 1981 ഫെബ്രുവരി 20-ാം തീയതി വെള്ളിയാഴ്ച വൈകുന്നേരം 5 മണിക്ക് തിരുവനന്തപുരത്ത് സെക്രട്ടേറിയറ്റ് മന്ദിരത്തിലുള്ള നിയമസഭാഹാളിൽ സമ്മേളിക്കുന്നതാണെന്ന് ഇതിനാൽ അറിയിപ്പു നൽകുന്നു.

By order of the Governor,

DR. R. PRASANNAN,

Secretary,
Legislative Assembly.

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33/401/MC.

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GOVERNMENT OF KERALA

Law (Legislation C) Department

NOTIFICATION

No. 1823|Leg.C3|81|Law. *Dated, Trivandrum, 2nd February,* 1981|
13th Magha, 1902.

The following Ordinance promulgated by the Governor on the 2nd day of February, 1981, is hereby published for general information.

By order of the Governor,

K. VISWANATHAN NAIR,
Special Secretary (Law).

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33|402|MC.

ORDINANCE No. 1 OF 1981

THE KERALA RAW CASHEWNUTS (PROCUREMENT AND DISTRIBUTION) ORDINANCE, 1981

Promulgated by the Governor of Kerala in the Thirty-second Year of the Republic of India.

AN

ORDINANCE

to provide for the trade in raw cashewnuts by the State to the exclusion of all others by the procurement and sale thereof at fair prices.

Preamble.—WHEREAS by judgment dated the 23rd January, 1981, the Supreme Court has quashed the declaration made by the Government of Kerala to the effect that raw cashewnut is an essential article under the Kerala Essential Articles Control (Temporary Powers) Act, 1961 and the Kerala Raw Cashewnuts (Procurement and Distribution) Order, 1977, made under that Act;

AND WHEREAS raw cashewnut is an essential raw material for the cashew industry which is one of the most important traditional industries in the State;

AND WHEREAS the maintenance of supplies of raw cashewnuts is essential for the continued employment of about one and a half lakhs workers employed in more than two hundred and fifty cashew factories in the State;

AND WHEREAS unemployment of the workers employed in the cashew factories in the State will adversely affect the economy of the State;

AND WHEREAS the quantity of imported raw cashewnuts made available to the factories in the State has dwindled down considerably and consequently the quantity of imported raw cashewnuts is not sufficient to give more than seven days' work in an year to the workers in the cashew industry in the State;

AND WHEREAS, in the circumstances, the Government of Kerala consider that trade in raw cashewnuts within the State should be undertaken by the State to the exclusion of all others by procurement and sale thereof at fair prices;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for her to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Kerala Raw Cashewnuts (Procurement and Distribution) Ordinance, 1981.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force at once.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(a) "agent" means the agent authorised under sub-section (1) of section 3;

(b) "competent authority" means the Government or an officer authorised by the Government to grant permits;

(c) "co-operative society" means a society registered or deemed to be registered under the Kerala Co-operative Societies Act, 1969 (21 of 1969);

(d) "cultivator" means a person who actually cultivates any land with cashew or who is entitled to take the usufructs from any land cultivated with cashew;

(e) "notified price", in relation to raw cashewnuts, means the price notified under sub-section (2) of section 5;

(f) "occupier" means an occupier as defined in the Factories Act, 1948 (Central Act 63 of 1948);

(g) "person" includes a body corporate, a company, a firm, an association of individuals or a co-operative society;

(h) "permit" means a permit referred to in section 15;

(i) "prescribed" means prescribed by rules made under this Ordinance;

(j) "raw cashewnut" does not include roasted cashewnut;

(k) "State" means the State of Kerala;

(l) "sub-agent" means a co-operative society appointed by the agent under section 9.

3. *Restriction on sale and purchase of raw cashewnuts.*—(1) No person shall sell any raw cashewnut within the State except to the agent of the Government authorised by them in this behalf by notification in the Gazette or to a sub-agent.

(2) No person other than a co-operative society shall be authorised as the agent under sub-section (1).

(3) No person other than the agent or a sub-agent shall purchase any raw cashewnut within the State.

4. *Restriction on possession of raw cashewnuts.*—No person other than the agent or a sub-agent shall have in his possession, at any time, raw cashewnuts in excess of the quantity of fifty kilograms.

5. *Price to be paid by agent and sub-agents.*—(1) When raw cashewnuts are tendered to the agent or a sub-agent by or on behalf of a cultivator, the agent or such sub-agent shall pay the price thereof at the rate notified for the locality under sub-section (2).

(2) For the purposes of sub-section (1), the Government shall, from time to time, notify the prices of raw cashewnuts in the different localities in the State, in such manner as they think fit.

(3) The agent or a sub-agent shall not refuse to purchase any raw cashewnut tendered to him by or on behalf of a cultivator.

6. *Agent to furnish returns.*—The agent shall furnish to the Government and to any officer specified by the Government in this behalf by notification in the Gazette, on every Thursday, a return showing the place or places where raw cashewnuts have been stocked by him, the quantity thereof and the price paid by him therefor.

7. *Power of Government to issue instructions to agent and sub-agents.*—The Government may, from time to time, give to the agent and the sub-agents general instructions for the purpose of efficiently carrying out their duties under this Ordinance, and the agent and the sub-agents shall comply with such instructions.

8. *Removal of agent.*—If the agent contravenes any of the provisions of this Ordinance or does not comply with any instruction issued by the Government under section 7, his agency shall, without prejudice to any penalty to which he is liable under this Ordinance, be liable to be terminated:

Provided that the agency shall not be terminated without giving the agent an opportunity for making representations in writing against such termination.

9. *Appointment of co-operative societies as sub-agents.*—(1) The agent may, by order in writing appoint any co-operative society to be a sub-agent for the purposes of this Ordinance and define the local area for which such appointment is made:

Provided that no such order shall be valid unless it is approved by the Government or an officer specified by the Government in this behalf by notification in the Gazette.

(2) Every sub-agent appointed under sub-section (1) shall furnish to the agent on such dates as may be specified by the agent in this behalf a return showing the place or places where cashewnuts are stocked by him, the quantity thereof and the price paid by him therefor.

(3) If any sub-agent contravenes any of the provisions of this Ordinance or does not comply with any instruction issued by the Government under section 7 or any instruction issued to him by the agent, the Government or the agent may, without prejudice to any penalty to which he is liable under this Ordinance, terminate his appointment as sub-agent:

Provided that before terminating the appointment of a sub-agent, he shall be given an opportunity for making representations in writing against such termination.

10. *Prohibition of processing or conversion and restriction on sale, etc.*—The agent or a sub-agent shall not—

(a) process or convert; or

(b) sell, except in accordance with the provisions of section 11, or otherwise dispose of,

any raw cashewnut purchased by him under this Ordinance.

11. *Sale of raw cashewnuts to cashew factories.*—(1) All raw cashewnuts purchased by the agent and the sub-agents under this Ordinance shall be sold to the cashew factories in the State which are registered in pursuance of the rules made under the Factories Act, 1948 (Central Act 63 of 1948), and which are eligible for imported nuts under the Import Trade Control Policy for the time being in force of the Government of India, in accordance with the provisions of sub-section (2).

(2) The quantity of raw cashewnuts to be sold to each cashew factory shall be determined on the basis of the muster roll strength of the workers of the factory as on the 1st day of January, 1976 or the licensed strength of the workers of the factory, whichever is lower and on the basis of the quantity of raw cashewnuts purchased by the agent and the sub-agents from time to time.

(3) An officer authorised by the Government in this behalf by notification in the Gazette shall, in accordance with the principle specified in sub-section (2), by order, specify the quantity to be sold to each cashew factory.

(4) An order under sub-section (3) shall be served on the agent and the occupiers of the cashew factories specified in that order.

(5) The officer authorised under sub-section (3) shall give notice to the occupier of every cashew factory specified in an order under that sub-section requiring him to take delivery of the raw cashewnuts offered for sale to that factory at the place specified in the notice within seven days of the service of the notice.

(6) If any dispute arises in respect of any order under sub-section (3), such dispute shall be referred to the Government whose decision thereon shall be final.

12. *Duty of occupier to take delivery of raw cashewnuts.*—If the occupier of a cashew factory fails to take delivery of the raw cashewnuts offered to be sold to his factory at the place and before the date referred to in sub-section (5) of section 11, such offer for sale shall stand cancelled.

13. *Price to be paid by occupiers.*—(1) The price to be paid by the occupiers of cashew factories for the raw cashewnuts sold to them under section 11 shall be decided by the Government from time to time.

(2) In deciding the price under sub-section (1), the Government shall take into consideration—

(a) the grade and quality of the raw cashewnuts;

(b) the notified price of raw cashewnuts; and

(c) incidental expenses incurred by the agent and the sub-agents.

14. *Processing of raw cashewnuts to be done in the concerned factory.*—Roasting, shelling, peeling and grading of raw cashewnuts sold to a cashew factory under section 11 shall be done only in that factory and at no other place.

15. *Restriction on transport of raw cashewnuts.*—No person shall transport or attempt to transport or abet the transport of raw cashewnuts from one place to another place in the State except under and in accordance with a permit issued in that behalf by the competent authority:

Provided that nothing contained in this section shall apply to the movement of raw cashewnuts by a cultivator for sale thereof to the agent or a sub-agent.

16. *Application form and form of permit.*—(1) An application for the grant of a permit shall be in the prescribed form and shall be verified in the prescribed manner and shall be affixed with a court-fee stamp of the value of two rupees.

(2) The permit shall be in such form as may be prescribed.

17. *Power to refuse permit.*—The competent authority may, if it is satisfied that the grant of a permit will defeat any of the provisions of this Ordinance, refuse to grant the permit:

Provided that, before refusing to grant a permit, the applicant shall be given an opportunity to state his case against such refusal.

18. *Cancellation of permit.*—Where the competent authority is satisfied that an applicant for a permit issued by it has furnished incorrect information or that he has, after the issue of the permit, contravened any of the provisions of this Ordinance or any of the terms and conditions of the permit, it may, without prejudice to any other action against the holder of the permit under this Ordinance, by order, cancel the permit:

Provided that no permit shall be cancelled without giving the holder thereof an opportunity to state his case against such cancellation.

19. *Powers of entry, seizure, etc.*—Any revenue officer of and above the rank of Revenue Inspector, or any officer of the Sales Tax Department not below the rank of Sales Tax Inspector, or any officer of the Co-operative Department not below the rank of Junior Co-operative Inspector, or any Block Development Officer, or any other officer authorised by the Government in this behalf, or any police officer not below the rank of Sub Inspector,

may, with a view to securing compliance with the provisions of this Ordinance or to satisfying himself that the said provisions have been complied with,—

(a) enter and search any premises;

(b) inspect any books, accounts or other documents maintained in the course of business or any stock of raw cashewnuts in the possession or under the control of any person;

(c) seize any such books, accounts or other documents which in his opinion would be useful for, or relevant to, any proceedings under this Ordinance;

(d) search any animal, vessel, vehicle or other conveyance or any package, covering or receptacle which has been, or is being, used, or is about to be used, for the contravention of this Ordinance;

(e) seize any raw cashewnuts in respect of which he has reason to believe that a contravention of this Ordinance has been, is being, or is about to be, committed, and any packages, coverings, or receptacles in which such raw cashewnuts are found;

(f) seize any animal, vessel, vehicle or other conveyance used in carrying such raw cashewnuts, if he has reason to believe that such animal, vessel, vehicle or other conveyance is liable to be forfeited under the provisions of this Ordinance.

20. *Confiscation of raw cashewnuts.*—(1) Where raw cashewnuts are seized under section 19, a report of such seizure shall, without unreasonable delay, be made to the Revenue Divisional Officer having jurisdiction over the area in which such raw cashewnuts are seized and, whether or not a prosecution is instituted for the contravention of this Ordinance in respect of such raw cashewnuts, the Revenue Divisional Officer may, if he thinks it expedient so to do, direct the raw cashewnuts so seized to be produced for inspection before him, and if he is satisfied that there has been a contravention of this Ordinance, may order confiscation of—

(a) the raw cashewnuts so seized;

(b) any package, convering or receptacle in which such raw cashewnuts are found; and

(c) any animal, vehicle, vessel or other conveyance used in carrying such raw cashewnuts:

Provided that, in the case of any animal, vessel, vehicle or other conveyance used for the carriage of goods or passengers for hire, the owner of such animal, vessel, vehicle or other conveyance shall be given an option to pay, in lieu of its confiscation, a fine not less than one-half of the value of such animal, vessel, vehicle or other conveyance as determined by the Revenue Divisional Officer.

(2) Where the Revenue Divisional Officer, on receiving a report of seizure of any raw cashewnuts under sub-section (1), is of the opinion that the raw cashewnuts are subject to speedy and natural decay or it is otherwise

expedient in the public interest so to do, he may order the same to be sold to the agent or the sub-agent appointed for the area in which the raw cashewnuts were seized, at the highest price notified under sub-section (2) of section 5.

(3) Where any raw cashewnuts are sold under sub-section (2), the sale proceeds thereof, after deduction of the expenses of such sale or other incidental expenses relating thereto, shall—

(a) where no order of confiscation is ultimately passed by the Revenue Divisional Officer; or

(b) where an order passed on appeal under sub-section (1) of section 22 so requires; or

(c) where in a prosecution instituted for the contravention of this Ordinance in respect of which an order of confiscation has been made under this section, the person concerned is acquitted,

be paid to the owner thereof or the person from whom they are seized.

21. *Issue of show-cause notice before confiscation of raw cashewnuts.*—(1) No order confiscating any raw cashewnuts, package, covering, receptacle, animal, vessel, vehicle or other conveyance shall be made under section 20, unless the owner of such raw cashewnuts, package, covering, receptacle, animal, vessel, vehicle or other conveyance or the person from whom the same is seized—

(a) is given a notice in writing informing him of the grounds on which it is proposed to confiscate the raw cashewnuts, package, covering, receptacle, animal, vessel, vehicle or other conveyance;

(b) is given an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of confiscation; and

(c) is given a reasonable opportunity of being heard in the matter.

(2) Without prejudice to the provisions of sub-section (1), no order confiscating any animal, vessel, vehicle or other conveyance shall be made under section 20, if the owner of the animal, vessel, vehicle or other conveyance proves to the satisfaction of the Revenue Divisional Officer that it was used in carrying the raw cashewnuts without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the animal, vessel, vehicle or other conveyance and that each of them had taken all resonable and necessary precautions against such use.

(3) No order confiscating any raw cashewnuts, package, covering, receptacle, animal, vessel, vehicle or other conveyance shall be invalid merely by reason of any defect or irregularity in the notice given under clause (a) of sub-section (1), if, in giving such notice, the provisions of that clause have been substantially complied with.

22. *Appeal.*—(1) Any person aggrieved by an order of confiscation under section 20 may, within one month from the date of the communication to him of such order, appeal to the District Judge having jurisdiction over the area in which the raw cashewnuts to which such order relates were seized,

and the District Judge shall, after giving an opportunity to the appellant to be heard, pass such order as he may think fit, confirming, modifying or annulling the order appealed against.

(2) Where an order under section 20 is modified or annulled by the District Judge, or where in a prosecution instituted for the contravention of this Ordinance in respect of which an order of confiscation has been made under section 20, the person concerned is acquitted, and in either case it is not possible for any reason to return the raw cashewnuts seized, such person shall, except as provided by sub-section (3) of section 20, be paid the price therefor as if the raw cashewnuts had been sold to the Government with reasonable interest calculated from the day of the seizure of the raw cashewnuts, and such price shall be determined in accordance with the provisions of section 5.

23. *Award of confiscation not to interfere with other punishment.*—The award of any confiscation under this Ordinance by the Revenue Divisional Officer shall not prevent the infliction of any punishment to which the person affected thereby is liable under this Ordinance.

24. *Bar of jurisdiction in certain cases.*—Whenever any raw cahsewnuts are seized under section 19, the Revenue Divisional Officer or, as the case may be, the District Judge shall have, and notwithstanding anything to the contrary contained in any other law for the time being in force, any other court, tribunal or authority shall not have, jurisdiction to make orders with regard to the possession, delivery, disposal or distribution of such raw cashewnuts.

25. *Penalties.*—(1) If any person contravenes any provision of this Ordinance,—

(a) he shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to fine;

(b) any property in respect of which such provision has been contravened shall be forefeited to the Government;

(c) any package, covering or receptacle in which raw cashewnuts are found and any animal, vessel, vehicle or other conveyance used in carrying the raw cashewnuts shall, if the court so orders, be forfeited to the Government.

(2) If any person convicted of an offence under sub-section (1) is again convicted of an offence under that sub-section, he shall be punishable with imprisonment for the second and for every subsequent offence for a term which shall not be less than one month but which may extend to one year and shall also be liable to fine:

Provided that the court may, for any adequate and special reasons to be mentioned in the judgement, impose a sentence of imprisonment for a term of less than one month.

26. *Attempts and abetment.*—Any person who attempts to contravene, or abets a contravention of, any provision of this Ordinance shall be deemed to have contravened that provision.

27. *False statement.*—If any person,—

(i) when required by any of the provisions of this Ordinance or any rule made thereunder to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause to believe to be false, or does not believe to be true, or

(ii) makes any such statement as aforesaid in any book, account, record, declaration, return or other document which he is required by any of the provisions of this Ordinance or any rule made thereunder to maintain or furnish,

he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

28. *Offences by companies.*—(1) If the person contravening any of the provisions of this Ordinance is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) 'company' means any body corporate, and includes a firm or other association of individuals; and

(b) 'director', in relation to a firm, means a partner in the firm.

29. *Offences to be cognizable.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), every offence punishable under this Ordinance shall be cognizable.

30. *Cognizance of offences.*—No court shall take cognizance of any offence punishable under this Ordinance except on a report in writing of the facts constituting such offence made by an officer authorised in this behalf by the Government by notification in the Gazette.

31. *Grant of injunction, etc., by civil courts.*—No civil court shall grant an injunction or make any order for any other relief against the Government or the agent or a sub-agent or any officer specified or authorised under this Ordinance, in respect of any act done or purporting to be done by the Government or the agent or the sub-agent or such officer under this Ordinance or any rule made thereunder, until after notice of the application for such injunction or other relief has been given to the Government or the agent or the sub-agent or such officer, as the case may be.

32. *Protection of action taken under Ordinance.*—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any provision of this Ordinance or any rule made thereunder.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any provision of this Ordinance or any rule made thereunder.

33. *Exemption.*—Nothing contained in this Ordinance shall apply in respect of imported raw cashewnuts allotted by the Cashew Corporation of India to cashew factories under the Import Trade Control Policy for the time being in force of the Government of India.

34. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Ordinance.

(2) Every rule made under this Ordinance shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

JOTHI VENCATACHELLUM,
GOVERNOR.

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1981

Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVI] Trivandrum, Monday, 2nd February, 1981 / 13th Magha 1902 [No. 86

GOVERNMENT OF KERALA

Home (C) Department

NOTIFICATION

G. O. Rt. 280/81/Home. *Dated, Trivandrum, 31st January,* 1981.

S. R. O. No. 136/81.—In exercise of the powers conferred by sub-section 8 of section 24 of the Code of Criminal Procedure 1973 (Central Act 2 of 1974) the Government of Kerala hereby appoint Sri M. N. Sukumaran Nair, Advocate, Ernakulam as Special Public Prosecutor for the conduct of prosecution in Crime No. 8/CR/81 of Crime Branch C.I.D., Trivandrum.

By order of the Governor,

K. Achuthan Nair,
Deputy Secretary.

Explanatory Note

(This is not part of the notification, but is intended to achieve its general purport).

It is considered necessary to appoint Sri M. N. Sukumaran Nair, Ernakulam as Special Public Prosecutor for the conduct of prosecution in Crime No. 8/CR/81 of Crime Branch CID, Trivandrum. The notification is intended to achieve the above object.

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1981

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EXTRAORDINARY

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NOTIFICATION

UNDER SECTION 6 OF THE KERALA SURVEY AND BOUNDARIES ACT, 1961

No. B. 1786/79. *16th January* 1981.

Whereas the Government have directed the survey of lands comprised in survey numbers noted below, it is hereby notified under subsection (1) of section 6 of the Kerala Survey and Boundaries Act, 1961, that survey operation will be started in the village soon and the survey numbers of the village noted below will be demarcated and surveyed; and that every person claiming to be interested in the registered lands situated within or adjoining the undermentioned lands is hereby invited to attend immediately either in person or by agent on the surveyor employed in the locality and also from time to time when called upon for the purpose of pointing out the boundaries and supplying information in connection therewith.

Under subsection (2) of section 6 of the said Act, this notification shall be held to be a valid notice to every person having any interest in the said lands.

Under subsection (3) of section 6 of the said Act, all the registered holders are hereby required :—

(a) to clear within 15 days by cutting down or removing any trees, jungle, fences, standing crops or other material obstructions, the boundaries or other lines, the clearance of which may be necessary for the purposes of survey ; and

(b) to provide labour at such time and for such periods as may from time to time be required by furnishing flag holders and chainmen ; and

(c) to provide suitable survey marks and otherwise to give such assistance in the survey as may be demanded under the said Act or the rules made thereunder.

If any person fails to comply with these requisitions under clauses (a) to (c) mentioned above the work will be got done by employing hired labour and the cost thereof will be recovered from the defaulters as provided in the Act and Rules made thereunder.

SCHEDULE

District—Alleppey.

Taluk—Shertallai. Village—Vayalar West.

Sl. No.	*Survey No.*	*Description*	*Extent in Hectare*
1	420/1	Dry	0.0100
2	424/1	"	0.0080
		Total	0.0180

(Sd.)
Special Tahsildar,
(L.A.) N. H.

Alleppey.

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